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प्रसाधारण

EXTRAORDINARY

भाग II—खण्ड 1

PART II—Section 1

प्रांधकार से प्रकाशित

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इस भाग में अलग पृष्ठ संख्या दी जाती है जिससे कि यह घलग संकलन के रूप में रखा जा सके।
Separate paging is given to this Part in order that it may be filed
as a separate compilation.

MINISTRY OF LAW, JUSTICE AND COMPANY AFFAIRS

(Legislative Department)

New Delhi, the 25th January, 1992/Magha 5, 1913 (Saka)

THE DESTRUCTIVE INSECTS AND PESTS (AMENDMENT AND VALIDATION) ORDINANCE, 1992

NO. 4 OF 1992

Promulgated by the President in the Forty-second Year of the Republic of India.

An Ordinance further to amend the Destructive Insects And Pests Act, 1914.

WHEREAS Parliament is not in session and the President is satisfied that circumstances exist which render it necessary for him to take immediate action;

Now, THEREFORE, in exercise of the powers conferred by clause (1) of article 123 of the Constitution, the President is pleased to promulgate the following Ordinance:—

1. (1) This Ordinance may be called the Destructive Insects And Pests (Amendment And Validation) Ordinance, 1992.

Short title and comment-
ement.

(2) It shall be deemed to have come into force on the 27th day of October, 1989.

Act 2 of
1914.

2. In section 3 of the Destructive Insects And Pests Act, 1914 (hereinafter referred to as the principal Act), after sub-section (2), the following sub-section shall be inserted, namely:—

Amend-
ment of
section 3.

"(3) The Central Government may, by notification under this section, also levy and collect such fees at such rates and in such manner as may be specified therein for making an application for a permit to import, or for making inspection, fumigation, disinfec-

Validation.

tion, disinfection or supervision of, any article or class of articles or any insect or class of insects under this section.”

3. (1) Notwithstanding any judgment, decree or order of any court, tribunal or other authority,—

(i) the notification No. S.O. 867(E) dated 27th October, 1989 issued under sub-section (1) of section 3 of the principal Act, and

(ii) any fees levied or collected or purported to have been levied or collected for making an application for a permit to import, or for making inspection, fumigation, disinfection, disinfection or supervision of, any article or class of articles or any insect or class of insects under the principal Act or the said notification,—

shall, for all purposes, be deemed to be and to have always been validly issued or, as the case may be, levied or collected in accordance with the provisions of section 3 of the principal Act as amended by this Ordinance, and accordingly—

(a) no suit or other proceeding shall be maintained or continued in any court for the refund of any fees so collected;

(b) no court or other authority shall enforce any decree or order directing the refund of any fees so collected;

(c) any fees levied or purported to have been levied but not collected, may be recovered under the principal Act as amended by this Ordinance; and

(d) anything done or any action taken or purported to have been done or taken under or for the purposes of the principal Act shall be deemed to have been validly done or taken in accordance with law as if the provisions of section 3 of the principal Act as amended by this Ordinance had been in force at all material times.

(2) For the removal of doubts, it is hereby declared that nothing in sub-section (1) shall be construed as preventing any person—

(a) from questioning in accordance with the provisions of the principal Act, as amended by this Ordinance, or the notification issued under section 3 of the principal Act, the levy or collection of such fees; or

(b) from claiming refund of any fees paid by him in excess of the amount due from him under the principal Act, as amended by this Ordinance, or the said notification.

R. VENKATARAMAN.

President.

V. S. RAMA DEVI.
Secy. to the Govt. of India.